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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE

8                   SCOTT CARLSON; TYLER PARNELL;  
9                   ALISON HALLIFAX; SHARON L.  
10                  DAVIS; BRIAN ROBILLARD; JOSH  
11                  FREI; MATTHEW PETERSON;  
12                  ARTEM TETERIN,  
13  
14                  Plaintiffs,

CASE NO. 2:22-cv-01739  
ORDER

15                  v.  
16                  CITY OF REDMOND; DOES 1-50,  
17  
18                  Defendants.

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20                  This matter comes before the Court on Defendant City of Redmond's motion  
21                  to consolidate this case with the newly filed action *Scott Carlson et al. v. Birney et*  
22                  *al.*, Case No. 2:25-cv-00514, Dkt. No. 79, and Plaintiffs' ex parte application to  
23                  shorten time on Defendant's pending motion, Dkt. No. 92. Having reviewed the  
record, the briefing, and the law, the Court, being fully informed, DENIES both  
motions for the reasons explained below.

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25                  As an initial matter, "motions to shorten time have been abolished" in this  
26                  District. LCR 6(b). Plaintiff's motion is therefore DENIED. Dkt. No. 92.  
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1           Even so, given that the parties' summary-judgment briefing is underway—*see*  
2 Dkt. Nos. 78, 86—the Court finds it expedient to address the motion to consolidate  
3 now. The City of Redmond argues that discretionary consolidation under Fed. R.  
4 Civ. P. 42(a)(2) is appropriate and would promote judicial economy because this case  
5 and Case No. 2:25-cv-00514 involve “common questions of law and fact, are brought  
6 by substantially the same parties and counsel, and arise from the exact same facts  
7 and circumstances[.]” Dkt. No. 79 at 1–2. Plaintiffs counter that consolidation is  
8 inappropriate because the newly filed action involves Section 1983 claims against  
9 individual city officials who are not party to this case, and those claims have not yet  
10 been subject to discovery. Dkt. No. 90. Because discovery has closed in this case,  
11 Plaintiffs argue that consolidation without an extension of time for additional  
12 discovery would cause unfair prejudice. *Id.*

13           The Court agrees with Plaintiffs that consolidating these cases without  
14 providing more time for discovery may cause unfair prejudice. And yet, the Court  
15 has “already moved the trial date from March 2024 to September 2024 to March  
16 2025 to August 2025” and, as before, “declines to postpone this matter yet again[.]”  
17 *See* Dkt. No. 74. The Court is especially disinclined to extend the deadlines here  
18 because, upon review, the Court is skeptical that Plaintiffs will be able to overcome  
19 qualified immunity to establish individual liability on their Section 1983 claims  
20 against city officials in their newly filed action. *See* Dkt. No. 86 at 24 (listing  
21 persuasive authorities affording qualified immunity on similar facts). Delaying trial  
22 to permit discovery on newly filed claims of doubtful viability will not promote  
23 judicial economy.

1 Therefore, the motion to consolidate is DENIED. Dkt. No. 79. The summary-  
2 judgment briefing schedule and trial date remain fixed. The newly filed action may  
3 proceed apace.

4 Dated this 22nd day of April, 2025.

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6 Jamal N. Whitehead  
7 United States District Judge  
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